

**EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
MARCH 9, 2006**

BUREAU OF LAND AND WASTE MANAGEMENT

UST Enforcement

- 1) Order Type and Number: Administrative Order 05-0250-UST
 Order Date: August 4, 2005
 Respondent: **William E. Barker, III**
 Facility: Sunshine Convenience Mart
 Location/Mailing Address: 1600 4th Ave.
 Conway, SC 29526
 County: Horry
 Previous Orders: None
 Permit/ID Number: 10932
 Violations Cited: UST Control Regulations, R.61-92,
 §280.31(b); R.61-92, §280.52(a); §280.34(c).

Summary: William E. Barker, III owns underground storage tanks located at 1600 4th Avenue in Conway, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to inspect the cathodic protection system every three years; failure to investigate and confirm a suspected release within a reasonable period of time; and failure to supply records to the Department upon request.

Action: The owner paid his annual registration fees and obtained a current registration certificate. However, the Department issued an Administrative Order with a civil penalty of nine thousand, seven hundred dollars (**\$9,700.00**) when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by submitting current corrosion protection system test results, a copy of the investigation into water intrusion in the premium tank, tank tightness test results, and proof that the premium tank has been emptied to less than one inch or a plan to properly close the tank. The Administrative Order was not appealed.

- 2) Order Type and Number: Administrative Order 05-0410-UST
 Order Date: October 28, 2005
 Respondent: **Walter Stanley**
 Facility: Stanley's Amoco
 Location/Mailing Address: 3557 Maybank Hwy.
 Johns Island, SC 29455
 County: Charleston

Previous Orders: AO 01-0268-UST (\$500)
Permit/ID Number: 11334
Violations Cited: UST Control Regulations, R.61-92, §280.10(e); R.61-92, §280.40(a); §280.34(c).

Summary: Walter Stanley owns underground storage tanks located at 3557 Maybank Highway in Johns Island, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: introduction of petroleum or petroleum products into an underground storage tank for which the owner did not hold a currently valid registration; failure to have an adequate release detection method; and failure to supply records to the Department upon request.

Action: The owner paid his annual registration fees and obtained a current registration certificate. However, the Department issued an Administrative Order with a civil penalty of seven thousand, three hundred sixty-five dollars **(\$7,365.00)** when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by paying the penalty associated with operating without a registration certificate or by providing release detection records. The Administrative Order was not appealed.

3) Order Type and Number: Administrative Order 05-0728-UST
Order Date: December 1, 2005
Respondent: **Brian Christopher Leroy**
Facility: Leroy's
Location/Mailing Address: 995 Hwy 182
Fair Play, SC 29643
County: Oconee
Previous Orders: None
Permit/ID Number: 06739
Violations Cited: UST Control Regulations, R.61-92, §280.93(a); R.61-92, §280.110(c); SUPERB Act 44-2-60(A)(Supp. 2004).

Summary: Brian Christopher Leroy owns underground storage tanks located at 995 Highway 182 in Fair Play, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to demonstrate financial responsibility for taking corrective action; failure to supply records to the Department upon request; and failure to pay registration fees.

Action: The Department issued an Administrative Order with a civil penalty of two thousand, seven hundred fifty dollars **(\$2,750.00)** when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by demonstrating financial responsibility. The Administrative Order was not appealed.

- 4) Order Type and Number: Consent Order 05-0928-UST
Order Date: January 11, 2006
Respondent: **DAM of Charleston, Inc.**
Facility: Ravenel Quick Stop, LLC
Location/Mailing Address: 5737 Savannah Hwy.
Charleston, SC 29470
County: Charleston
Previous Orders: None
Permit/ID Number: 14074
Violations Cited: UST Control Regulations, R.61-92,
§280.31(a), R.61-92, §280.34(c).

Summary: DAM of Charleston, Inc. is a small business that owns and operates underground storage tanks located at three convenience stores in South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to operate and maintain corrosion protection equipment continuously; and failure to supply records to the Department upon request.

Action: The Respondent has paid a civil penalty in the amount of four hundred dollars (**\$400.00**) and corrected the violations.

- 5) Order Type and Number: Consent Order 05-0932-UST
Order Date: January 20, 2006
Respondent: **Clemson Marina, LLC**
Facility: Clemson Marina, LLC
Location/Mailing Address: 150 Clemson Marina
Seneca, SC 29678
County: Oconee
Previous Orders: None
Permit/ID Number: 12875
Violations Cited: UST Control Regulations, R.61-92,
§280.20(c)(1)(i); R.61-92, §280.20(e); R.61-92, §280.30(a); R.61-92,
§280.31(a); R.61-92, §280.40(a); R.61-92, §280.34(c).

Summary: Clemson Marina, LLC is a small business that owns and operates underground storage tanks located at the facility listed above. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to use an adequate spill prevention system; failure to install the tank system in accordance with accepted codes and standards; failure to maintain the spill prevention system; failure to operate and maintain the corrosion protection equipment continuously; failure to provide an adequate

release detection method; and failure to supply records to the Department upon request.

Action: The Respondent has agreed to correct the violations within 30 days. If the violations are corrected as agreed, the civil penalty of one thousand, seven hundred dollars (**\$1,700.00**) will be **suspended** as this is a new owner and first time violator.

Solid Waste Enforcement

6) Order Type and Number: Consent Order 06-01-SW
Order Date: January 27, 2006
Respondent: **Darlington County**
Facility: Darlington County Construction, Demolition, and Land-Clearing Debris Landfill (C&D/LCD Landfill)
Location/Mailing Address: 1 Public Square – Room 210
Darlington, SC 29532
County: Darlington
Previous Orders: 02-17-SW (\$1800.00)
Permit/ID Number: 161001-1201
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (2002) (Act), 25A S.C. Code Ann. Reg. (Regulation) (Supp. 2004) 61-107.11, Part IV, B.1.; Permit # 161001-1201 (Permit), Special Conditions A.1. and A.3.; and, Engineering Report, dated May, 1995, Landfill Drawings.

Summary: Darlington County is in the process of constructing a replacement C&D/LCD landfill adjacent to the current C&D/LCD landfill. The estimated life of the current landfill is less than six (6) months. In fiscal year 2005, Darlington County exceeded the permitted elevations and annual tonnage limit for the current landfill and operated the current landfill with an unapproved set of drawings.

Action: The Respondent has agreed to operate the current landfill using the set of drawings specified in the Consent Order; to adhere to the final elevations specified in the drawings for waste placement at the current landfill; and to use the annual tonnage limit specified in the permit for the replacement landfill in the operation of the current landfill. The Consent Order requires Darlington County: to begin construction of the replacement landfill in accordance with the Sequencing and Fill Progression Plan specified in the Consent Order; to submit a contingency plan to the Department for the diversion of waste in the event that the current landfill reaches its final elevations prior to the replacement landfill being ready to accept waste; to submit as-built drawings of the current landfill within thirty (30) days of its closure; and to pay a civil

penalty of one thousand, eight hundred dollars (**\$1,800.00**) to the Department within thirty (30) days of the Order Receipt Date.

BUREAU OF WATER

Drinking Water Enforcement

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| 7) | <u>Order Type and Number:</u> | Administrative Order 05-181-DW |
| | <u>Order Date:</u> | December 14, 2005 |
| | <u>Respondent:</u> | Piedmont Water Company, Inc.
d/b/a Gauley Falls Subdivision,
and D. Reece Williams IV,
Individually |
| | <u>Facility:</u> | Gauley Falls Subdivision PWS |
| | <u>Location/Mailing Address:</u> | 2 5 th Street.
Charleston, S.C. 29403 |
| | <u>County:</u> | Pickens |
| | <u>Previous Orders:</u> | None |
| | <u>Permit/ID Number:</u> | 3950004 and 3950008 |
| | <u>Violations Cited:</u> | 24A S.C. Code Ann. Regs. 61-58.5(C), 61-58.7(E)(11), 61-58.7, 61-58.6(E), 61-30(G)(2) |

Summary: Piedmont Water Company, Inc., Piedmont Water Company, Inc. d/b/a Gauley Falls Subdivision, and D. Reece Williams IV, Individually (Respondents) are responsible for the proper operation and maintenance of a public water system (PWS). The Respondents have violated the State Primary Drinking Water Regulations and the Environmental Protection Fees Regulations as follows: failure to properly operate and maintain the PWS; failure to perform nitrate monitoring for the 2005 monitoring period; failure to issue public notice (PN) for non-monitoring for nitrate for the 2005 monitoring period; and failure to pay State Safe Drinking Water Fees for the 2005 and 2006 fiscal years.

Action: The Respondents have been ordered to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; issue PN for the nitrate non-monitoring; correct all system deficiencies; repair all system leaks; pay the past due State Safe Drinking Water Fees for the 2005 and 2006 fiscal years totaling two thousand sixty-two dollars and fifty cents (\$2,062.50); and pay a civil penalty in the amount of fifteen thousand dollars (**\$15,000.00**).

- 8) Order Type and Number: Consent Order 06-005-DW
Order Date: January 11, 2006
Respondent: **Klistine Daniels**
Facility: Shingles II Restaurant

Location/Mailing Address: 612 S. Wallace Rd.
Florence, S.C. 29506
County: Florence
Previous Orders: None
Permit/ID Number: 2172006
Violations Cited: S.C. Code Ann. Regs. 61-58.5(C)(2)(c) and 61-30(G)(2)

Summary: Klistine Daniels (Respondent) d/b/a Shingles II Restaurant is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations and the Environmental Protection Fees Regulations as follows: failure to perform the required nitrate monitoring for the 2004 monitoring period and failure to submit the required annual State Safe Drinking Water Fees for the 2004 and 2005 fiscal years.

Action: The Respondent has agreed to: pay the balance of the annual State Safe Drinking Water Fees for fiscal years 2004 and 2005 totaling four hundred fifty-nine dollars and fifty cents (\$459.50) and pay a **stipulated penalty** in the amount of seven hundred dollars (**\$700.00**) if she fails to meet any requirement of this Order.

9) Order Type and Number: Consent Order 06-011-DW
Order Date: January 11, 2006
Respondent: **S.C. State University**
Facility: Camp Harry Daniels
Location/Mailing Address: 300 College Ave. NE
Orangeburg, S.C. 29117
County: Calhoun
Previous Orders: None
Permit/ID Number: 0970677
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.7

Summary: S.C. State University (Respondent) is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain a PWS.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; correct all deficiencies from the June 17, 2005 Sanitary Survey; connect to a Department approved PWS; and pay a **stipulated penalty** in the amount of three thousand four hundred dollars (**\$3,400.00**) if it fails to meet any requirement of this Order.

- 10) Order Type and Number: Consent Order 06-014-DW
Order Date: January 20, 2006
Respondent: **Twin Lakes Mobile Home Estates, a Michigan Limited Partnership**
Facility: Twin Lakes Mobile Home Estates
Location/Mailing Address: 8522 Golfside Dr.
Commerce Township, MI 48382
County: York
Previous Orders: None
Permit/ID Number: 4660007
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.7 and 61-58.1(O)(9)

Summary: Twin Lakes Mobile Home Estates a Michigan Limited Partnership (Respondent) is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS and failure to submit a Business Plan after receiving an “Unsatisfactory” rating on a Sanitary Survey.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; correct all deficiencies from the October 18, 2005 Sanitary Survey; submit a Business Plan; connect to York County Utilities; and pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) if it fails to meet any requirement of this Order.

- 11) Order Type and Number: Consent Order 06-015-DW
Order Date: January 24, 2006
Respondent: **Betty Allen**
Facility: Whale Branch MHP PWS
Location/Mailing Address: 707 Center Dr. East
Beaufort, S.C. 29902
County: Beaufort
Previous Orders: None
Permit/ID Number: 0760071
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.7

Summary: Betty Allen (Respondent) d/b/a Whale Branch Mobile Home Park (MHP) is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; correct all

deficiencies from the January 19, 2005 Sanitary Survey; and pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**).

- 12) Order Type and Number: Consent Order 06-016-DW
 Order Date: January 24, 2006
 Respondent: **Juddie Jones**
 Facility: N/A
 Location/Mailing Address: 941 Mimosa Drive
 Gaston, S.C. 29053
 County: Lexington
 Previous Orders: None
 Permit/ID Number: SC Driller #1541
 Violations Cited: S.C. Code Ann. Regs. 61-71. (F)(8)

Summary: Juddie Jones (Respondent) is involved in the business of well drilling in the State of South Carolina. The Respondent has violated the South Carolina Well Standards and Regulations as follows: failure to attach an identification tag to the wellhead of a residential well.

Action: The Respondent has agreed to: comply with all pertinent State rules and regulations concerning well construction and permitting; contact the Department's Region 3 Columbia EQC Office to verify that a completed identification tag has been permanently affixed to the wellhead; and pay a civil penalty in the amount of eight hundred fifty dollars (**\$850.00**) in monthly payments.

Water Pollution Enforcement

- 13) Order Type and Number: Administrative Order 05-161-W
 Order Date: October 20, 2005
 Respondent: **Muriel Revell**
 Facility: Westwood Mobile Home Park (MHP)
 Location/Mailing Address: 639 Ascot Drive
 Florence, S.C. 29503
 County: Florence
 Previous Orders: EO 04-188-W (\$0)
 Permit/ID Number: NA
 Violations Cited: S.C. Code Ann. § 48-1-90(a) (1987)
 and 24 S.C. Code Ann. Regs. 61-9.610.3(a) and (c) (Supp. 2004)

Summary: Muriel Revell (Respondent) is responsible for the proper operation and maintenance of a satellite sewer system. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit

Regulations as follows: failed to properly manage, operate, and maintain all parts of the satellite sewer system, consisting of collection lines, a pumping station, and a force main; allowed the discharge of untreated wastewater into the environment; and failed to take reasonable steps to stop or mitigate the impacts of releases of untreated wastewater into the environment.

Action: The Respondent has been ordered to: comply with all applicable State and Federal regulations; orally report all wastewater spills within twenty-four hours to the Department; submit a diagnostic evaluation (DE) of the satellite sewer system with a corrective action plan (CAP) and schedule to make all necessary repairs; submit summary reports of all corrective actions completed; submit an administratively complete application for coverage under National Pollutant Discharge Elimination System (NPDES) General Permit SSS000000; and pay a civil penalty in the amount of nineteen thousand one hundred eighty-nine dollars (**\$19,189.00**).

14)	<u>Order Type and Number:</u>	Consent Order 05-183-W
	<u>Order Date:</u>	January 3, 2006
	<u>Respondent:</u>	Chester Sewer District
	<u>Facility:</u>	Rocky Creek WWTF
	<u>Location/Mailing Address:</u>	P.O. Box 550 Chester, S.C. 29706
	<u>County:</u>	Chester
	<u>Previous Orders:</u>	02-017-W (\$12,000); 00-198-W (\$8K); 05-139-W (\$4200)
	<u>Permit/ID Number:</u>	SC0036056
	<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-110(d) (Supp. 2004), 24 S.C. Code Ann. Regs. 61-9.122.21(d)(1) (Supp 2004) and 61-9.122.41(a) (Supp. 2004)

Summary: Chester Sewer District (Respondent) owns and is responsible for the proper operation and maintenance of its Rocky Creek wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent discharge limits for fecal coliform bacteria and failed to submit an administratively complete application for the renewal of the NPDES Permit 180 days prior to the expiration of the existing permit.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; continue to operate and maintain the WWTF in accordance with the most recently issued NPDES Permit until such time as a new permit is issued; submit an updated standard operating procedure (SOP) including best management practices (BMP) addressing sample collection in accordance with the terms and conditions of the NPDES Permit; and pay a civil penalty in the

amount of six thousand eight hundred dollars (**\$6,800.00**). The civil penalty has been paid.

- 15) Order Type and Number: Consent Order 05-186-W
 Order Date: January 11, 2006
 Respondent: **Lake Keowee Key Utility Systems, Inc.**
 Facility: Lake Keowee Key Utility Systems
 Location/Mailing Address: 150 Maintenance Road
 Salem, S.C. 29676
 County: Oconee
 Previous Orders: None
 Permit/ID Number: SC0022322
 Violations Cited: S.C. Code Ann § 48-1-110(d) (Supp 2004, and 24 S.C. Code Ann. Regs. 61-9.122.41(d) (Supp. 2004)

Summary: Lake Keowee Key Utility Systems, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF that serves the residents and businesses within its designated service area. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: exceeded the permitted discharge limits for ammonia-nitrogen (NH₃N) and fecal coliform.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with all applicable State and Federal laws and regulations; submit a CAP detailing standard operation and maintenance procedures which will be implemented to prevent effluent violations; and pay a civil penalty in the amount of twelve thousand eight hundred dollars (**\$12,800.00**).

- 16) Order Type and Number: Consent Order 06-001-W
 Order Date: January 20, 2006
 Respondent: **Edgefield County Water & Sewer Authority**
 Facility: Johnston #1 Plant
 Location/Mailing Address: P.O. Box 416
 Edgefield, S.C. 29824
 County: Edgefield
 Previous Orders: 01-199-W (\$9,800); 02-038-W (\$1,000); 03-218-DW (\$0)
 Permit/ID Number: SC0025691
 Violations Cited: S.C. Code Ann. § 48-1-110(d) and 24 S.C. Code Ann. Regs. 61-9.122.41(a)(1) (Supp.2005)

Summary: Edgefield County Water & Sewer Authority (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF serving businesses and residents located at Dogwood Lane, Southeast of the Town of Johnston, South Carolina. The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to comply with the effluent limits for (NH₃N).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a CAP; and pay a civil penalty in the amount of twenty-one thousand six hundred dollars (\$21,600.00).

- 17) Order Type and Number: Consent Order 06-003-W
Order Date: January 24, 2006
Respondent: **Congaree Downs Ltd. Partnership**
Facility: Congaree Downs Subdivision
Location/Mailing Address: 5847 Shakespeare Road
Columbia, S.C. 29223
County: Lexington
Previous Orders: 04-217-W (\$8500)
Permit/ID Number: SCR106396
Violations Cited: S.C. Code Ann. § 48-1-110(a)(1),
(1987 and Supp. 2005) and 24 S.C. Code Ann. Regs. 61-9.122.21(a)(3)
(Supp. 2005)

Summary: Congaree Downs Limited Partnership (Respondent) owns and is responsible for clearing and grading activities at Congaree Downs Subdivision, Phases 3 & 4 (Site) at Ramblin Road and Jerome Bay Road, in Lexington County, South Carolina. The Respondent has violated the Pollution Control Act as follows: failed to obtain a permit to discharge storm water into waters of the State prior to initiating land-disturbing activities at the Site.

Action: The Respondent has agreed to: submit a report prepared by a S.C. Registered Professional Engineer certifying that all necessary storm water controls are installed and properly functioning at the Site; and pay a civil penalty in the amount of thirteen thousand six hundred dollars (\$13,600.00).

- 18) Order Type and Number: Consent Order 06-004-W
Order Date: January 11, 2006
Respondent: **Hanson Brick East, LLC**
Facility: Bauknight Mine
Location/Mailing Address: P.O. Box 368
Pleasant Garden, N.C. 27313
County: Saluda
Previous Orders: None

Permit/ID Number: SCG730508
Violations Cited: S.C. Code Ann. § 48-1-110 (Supp. 2004) and 24 S.C. Code Ann. Regs. 61-9.122.41(a)(1) (Supp.2004)

Summary: Hanson Brick East, LLC (Respondent) owns and is responsible for the Bauknight Mine located off SC-185 in Saluda County, South Carolina. The Respondent has violated the Pollution Control Act and associated regulations as follows: exceeded the permitted discharge limits for total suspended solids (TSS).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit an updated Operations and Maintenance Manual, for properly and effectively maintaining BMPs and preventing violations of the permitted discharge limits for TSS; and pay a civil penalty in the amount of five thousand four hundred dollars (**\$5,400.00**).

19) Order Type and Number: Consent Order 06-007-W
Order Date: January 11, 2006
Respondent: **City of Lancaster**
Facility: Catawba River WWTF
Location/Mailing Address: P.O. Box 1149
Lancaster, S.C. 29721
County: Lancaster
Previous Orders: 01-056-W (\$53,000) 03-212-W (\$2,000)
Permit/ID Number: SC0046892
Violations Cited: S.C. Code Ann. § 48-1-110(d) (Supp. 2004) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) (Supp 2004).

Summary: The City of Lancaster (Respondent) owns and is responsible for the proper operation and maintenance of the Catawba River WWTF. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent discharge limits for fecal coliform bacteria, dissolved oxygen (DO), total phosphorus, and TSS.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a preliminary engineering report (PER) detailing upgrades necessary to meet the effluent discharge limits; submit plans, specifications and an administratively complete application for an permit to construct all necessary upgrades; begin and complete the construction of all necessary upgrades; and pay a civil penalty in the amount of fifteen thousand three hundred dollars (**\$15,300.00**).

20) Order Type and Number: Consent Order 06-008-W

Order Date: January 11, 2006
Respondent: **Water Head LLC**
Facility: Woodmere Subdivision Phase I & II
Location/Mailing Address: 171 Sliding Rock Road
 Pickens, S.C. 29671
County: Pickens
Previous Orders: None
Permit/ID Number: SCR104444
Violations Cited: S.C. Code Ann. § 48-1-90(a) and 48-1-110(d) (1987 and Supp. 2004), 24 S.C. Code Ann. Regs. 61-9.122.41(e) (Supp 2004) and 25 S.C. Code Ann. Regs. 61-68.E(5)(d) (Supp. 2004)

Summary: Water Head, LLC (Respondent) owns and is responsible for land clearing and construction activities associated with the Woodmere Subdivision Phases I and II. The Respondent has violated the Pollution Control Act, Water Pollution Control Permit Regulations, and the Water Classifications and Standards as follows: failed to install, properly operate and maintain all storm water, sediment and erosion control measures; allowed the discharge of sediment into the environment, including waters of the State; and failed to keep waters of the State free of deleterious materials, which interfered with classified or existing water uses.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a renewal application and revised Site plan for the Phase I portion of the Site; submit a revised Site plan for the Phase II portion of the Site; submit an engineer's report certifying that all storm water and sediment and erosion control measures have been installed and are functioning properly; and pay a civil penalty in the amount of nineteen thousand five hundred eighty-two dollars and fifty cents (**\$19,582.50**).

21) Order Type and Number: Consent Order 06-009-W
Order Date: January 12, 2006
Respondent: **Hal Mason d/b/a Mason Properties**
Facility: Heritage Point Subdivision (SD)
Location/Mailing Address: 122 Edinburg Court
 Greenville, S.C. 29607
County: Greenville
Previous Orders: None
Permit/ID Number: SCR109608/23-04-09-03
Violations Cited: S.C. Code Ann. § 48-1-90(a) (1987), 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (e) (Supp 2004); and 25 S.C. Code Ann. Regs. 61-68.E (5)(d) (Supp. 2004)

Summary: Hal Mason (Respondent) d/b/a Mason Properties owns and is responsible for land clearing and construction activities at the Heritage Point Subdivision (Site). The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: allowed the discharge of sediment into the environment, including waters of the State and failed to properly install, operate and maintain sediment and erosion control devices as required by the approved Site plans.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit an engineer's report certifying that all sediment and erosion control devices have been installed and are functioning properly; submit an engineer's report certifying that all sediment and erosion control devices located within waters of the State and the US have been properly removed; and pay a civil penalty in the amount of one hundred ten thousand three hundred fifty-seven dollars and twenty-eight cents (**\$110,357.28**) in quarterly installments.

22)	<u>Order Type and Number:</u>	Consent Order 06-010-W
	<u>Order Date:</u>	January 12, 2006
	<u>Respondent:</u>	Hanes Companies, Inc.
	<u>Facility:</u>	Falcon Plant WWTF
	<u>Location/Mailing Address:</u>	600 Northwest Boulevard Winston-Salem, N.C. 27102
	<u>County:</u>	Pickens
	<u>Previous Orders:</u>	03-190-W (\$4,750)
	<u>Permit/ID Number:</u>	ND0073253
	<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-90(a), 48-1-110(d) (1987 and Supp. 2004), 24 S.C. Code Ann. Regs. 61-9.505.41(a) (Supp 2004), and 24 S.C. Code Ann. Regs. 61-9.505.41(e) (Supp. 2004)

Summary: Hanes Companies, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent discharge limits of its NPDES Permit for biochemical oxygen demand (BOD), chemical oxygen demand (COD), oil and grease (O&G), sulfides, and DO; failed to provide an operator of the proper grade; and failed to properly operate and maintain all permitted treatment units in good working order resulting in the unauthorized discharge of process wastewater, which reached waters of the State of South Carolina.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations and pay a civil penalty in the amount of thirteen thousand four hundred dollars (**\$13,400.00**).

23)	<u>Order Type and Number:</u>	Consent Order 06-012-W
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<u>Order Date:</u>	January 24, 2006
<u>Respondent:</u>	United Utility Companies, Inc.
<u>Facility:</u>	Chambert Forest WWTF
<u>Location/Mailing Address:</u>	P.O. Drawer 4509 West Columbia, S.C. 29171
<u>County:</u>	Anderson
<u>Previous Orders:</u>	01-165-W (\$8,000)
<u>Permit/ID Number:</u>	SC0024716
<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-50(3) (Supp. 2005)

Summary: United Utility Companies, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of two WWTFs that serve the residents of the Chambert Forest Subdivision. The Respondent has requested an extension to the compliance schedule of Consent Order 01-165-W and the NPDES Permit. Since the upgrades required by the permit cannot be initiated until the upgrades required by Consent Order 01-165-W, the Department decided to revoke the Order and include the requested changes to the permit's compliance schedule in a new Order.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a PER addressing upgrades required by the permit; submit plans, specifications, and an application for a permit to construct the upgrades required by the permit; complete the construction initiated under Consent Order 01-165-W by October 1, 2006; begin construction of the permit upgrades within 30 days of completing current upgrades; complete construction of all permit upgrades within 365 days of the start construction date.

24)	<u>Order Type and Number:</u>	Consent Order 06-013-W
	<u>Order Date:</u>	January 24, 2006
	<u>Respondent:</u>	William M. Sanders, III
	<u>Facility:</u>	Highway 76 Mine Facility
	<u>Location/Mailing Address:</u>	4200 Highway 81 N. Anderson, S.C. 29621
	<u>County:</u>	Anderson
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	None
	<u>Violations Cited:</u>	S.C. Code Ann. § 48-14-90(a) (1987) and 24 S.C. Code Ann. Regs. 61-9.122.26(c)(1) (Supp.2004).

Summary: William M. Sanders, III (Respondent) owns and is responsible for land clearing, construction and mining activities at the Highway 76 Mine Facility (Tax Map# 064-07-003-000)(Site) located in Anderson County, South Carolina. The Respondent has violated the Pollution Control Act and associated regulations as follows: initiated land disturbing activities prior to obtaining a

permit from the Department and discharged storm water associated with construction activities into the environment.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; apply for a NPDES storm water permit from the Department; and pay a civil penalty in the amount of nine thousand six hundred dollars **(\$9,600.00)** in four quarterly payments.

25) Order Type and Number: Consent Order 06-018-W
Order Date: January 20, 2006
Respondent: **The School District of Greenville County**
Facility: Beck Academy Middle School
Location/Mailing Address: 301 Camperdown Way
Greenville, S.C. 29607
County: Greenville
Previous Orders: 01-0002-UST (\$600 Suspended)
Permit/ID Number: SCR108774
Violations Cited: S.C. Code Ann. § 48-14-90(a) (1987)
and 24 S.C. Code Ann. Regs. 61-9.122.41(a) (Supp.2005).

Summary: The School District of Greenville County (Respondent) owns and is responsible for development and construction activities at the Site located in the City of Greenville, South Carolina. The Respondent has violated the Pollution Control Act and associated regulations as follows: discharged sediment into the environment in a manner other than in compliance with a permit issued by the Department and failed to properly maintain all erosion control devices during all phases of construction.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a report, certifying that implementation of the necessary storm water and sediment control devices are complete and in accordance with the approved plans and specifications; and pay a civil penalty in the amount of forty-five thousand six hundred sixty dollars **(\$45,660.00)**.

Joint Orders

26) Order Type and Number: Consent Order 06-006-W, A
Order Date: January 24, 2006
Respondent: **J. Wayne Raiford**
Facility: Three Runs Farms SD
Location/Mailing Address: 528 Edgefield Road, Suite G
Belvedere, S.C. 29841
County: Aiken

Previous Orders: None
Permit/ID Number: SCR10B578
Violations Cited: S.C. Code Ann. § 48-1-130(a), S.C. Code Ann. Regs. 61-62.2 (1987) and S.C. Code Ann. Regs. 61-9.122.26 (b)(14)(x) and (c)(1) (Supp. 2005).

Summary: J. Wayne Raiford (Respondent) owns and is responsible for land disturbing activities at the Three Runs Farms Subdivision located on White Pond Road near the Town of New Ellenton, South Carolina. The Respondent has violated the Pollution Control Act as follows: initiated land disturbing activities prior to obtaining a permit; burned land-clearing debris within 1000 feet of a public roadway; and failed to comply with a Cease and Desist Order issued by the Department.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with State and Federal regulations and guidelines; cease open burning except as provided by the S.C. Air Pollution Control Regulation; submit a report, completed by a S.C. Registered Professional Engineer, certifying that all sediment and erosion control devices are installed and functioning properly; and pay a civil penalty in the amount of eight thousand five hundred dollars (\$8,500.00). The penalty has been paid.

BUREAU OF AIR QUALITY

27) Order Type and Number: Consent Order 06-001-A
Order Date: January 3, 2006
Respondent: **Pickens County - Solid Waste Department**
Facility: Solid Waste Landfill
Location/Mailing Address: 2047 Old Liberty Road
Liberty, South Carolina 29657
County: Pickens
Previous Orders: None
Permit/ID Number: 1880-0062
Violations Cited: U.S. EPA Regulations at 40 CFR 60, Subpart Eb, Standards of Performance For Large Municipal Waste Combustors For Which Construction Is Commenced After September 20, 1994 Or For Which Modification Or Reconstruction Is Commenced After June 19, 1996 and S.C. Code Ann. § 48-1-110(d)

Summary: Pickens County - Solid Waste Department ("Respondent") operates a landfill and burns untreated wood waste and land-clearing debris in an air curtain incinerator. The Respondent also operates vacuum extraction wells that are used to remove gases from the landfill. The Department issued Construction Permit 1880-0062-CB to the Respondent, effective August 6, 2003,

granting permission to install the vacuum extraction wells and flare. The Department issued Part 70 ("Title V") Air Quality Operating Permit TV-1880-0062 to the Respondent, effective October 1, 2004. The Respondent has violated the construction permit, U.S. EPA Regulations, and the Title V permit as follows: failure to submit operational ranges for the monitored parameters of the landfill gas flare within 180 days of the effective date of Construction Permit 1880-0062-CB; and failure to operate its air curtain incinerator in a manner to prevent opacity from exceeding 10%.

Action: The Respondent has agreed to: ensure that opacity from the air curtain incinerator does not exceed 10%; and pay a civil penalty in the amount of six thousand dollars **(\$6,000.00)**.

28)	<u>Order Type and Number:</u>	Consent Order 06-02-A
	<u>Order Date:</u>	January 20, 2006
	<u>Respondent:</u>	Berkeley County Water & Sanitation Authority
	<u>Facility:</u>	Berkeley County Water & Sanitation Authority
	<u>Location/Mailing Address:</u>	Post Office Box 1090 Goose Creek, South Carolina 29445
	<u>County:</u>	Berkeley
	<u>Previous Orders:</u>	03-100-A (\$3,000); 00-009-SW (\$10,500); 00-113-W (\$19K); 01-192-W (\$2K); 02-090-W (\$9,900); 03-142-W (\$7K); 04-015-SW (\$15K)
	<u>Permit/ID Number:</u>	TV-0420-0059, CM-0420-0056
	<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-110(d) and
	<u>South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements</u>	

Summary: Berkeley County Water & Sanitation Authority (Respondent) is located in Goose Creek, South Carolina. The Respondent violated Pollution Control Act and South Carolina Air Pollution Control Regulations, as follows: failure to obtain required Department-issued permits prior to installing and operating Scrubber No.2 and eight candlestick flares; failure to contact the Department's Regional office within 24 hours after the shutdown of the scrubbers resulting in a discharge of uncontrolled air contaminants lasting for more than 1 hour; from ID 01; failure to submit to the Department within 30 days an incident report for the shutdown of both scrubbers; failure to document corrective actions for incidences of operation outside of the established pressure differential and pH ranges for scrubber No. 1; failure to submit to the Department an accurate semiannual report for the 2004 reporting

year; and failure to submit to the Department pressure differential and pH ranges for scrubber No.2 within 180 days of issuance of its revised Permit.

Action: The Respondent has agreed to: henceforth obtain a construction permit issued by the Department prior to constructing, altering, or adding to any source of air contaminants, including a control device; notify the Regional office within 24 hours of a process malfunction or upset which results in a discharge of uncontrolled air contaminants lasting for more than one hour; submit to the Department within 30 days an incident report for any discharge of uncontrolled air contaminants lasting for more than one hour; document corrective actions for incidences of operation outside of the established pressure differential and pH ranges for each scrubber; submit to the Department accurate semiannual reports; and pay a civil penalty in the amount of seven thousand dollars **(\$7,000.00)**.